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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------|
| 09/854,615   | 05/14/2001  | Hiroshi Nomiya       | JP9-2000-0130<br>(8728-512) | 4823             |
| 22150  | 7590        | 07/27/2005           | EXAMINER                    |                  |
| F. CHAU & ASSOCIATES, LLC<br>130 WOODBURY ROAD<br>WOODBURY, NY 11797 |             |                      | POLLACK, MELVIN H           |                  |
|  |             |                      | ART UNIT                    | PAPER NUMBER     |
|  |             |                      | 2145                        |                  |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/854,615

Applicant(s)

NOMIYAMA, HIROSHI

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached office action.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.
2. In the response to the last office action, the applicant changed the scope of the claims by adding several limitations, including registering a plurality of favorite sites, inclusion relations, degeneration of terms, etc. to independent claims 1 and 6. As a result, a final amendment is necessitated even if the examiner provides a new art rejection. The examiner acknowledges that no new matter has been added by this amendment.
3. The examiner accepts the definition of "degenerate" provided in the remarks section of the amendment. The 112 rejection is withdrawn.
4. Regarding Fig. 7 vs. Fig. 10 of Husick (P. 9, lines 15-16), the classification of Husick uses a speech parser for weighting certain words (col. 32, lines 55-65). The examiner will attempt to make this issue clearer.
5. Regarding usage of background portions of Husick (P. 9, line 21), the examiner notes that the background section of the system is considered part of Husick because the purpose of Husick is to build upon prior search engines rather than to replace them, and thus they are part of the invention (col. 2, lines 60-65). As for unrelated portions (col. 10, line 1), the applicant has failed to demonstrate usage of multiple embodiments by the examiner. That said, the examiner will be withdrawing the original 102 rejection in order to add art regarding site registration in favor of a 103 rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husick et al. (5,675,788) in view of Ball et al. (5,860,071).

8. For claims 1, 8, 11, 12, 16-19, Husick teaches a method (abstract) for arranging information from information sources (col. 1, line 5 – col. 7, line 10) which are connected via network (col. 8, line 50 – col. 9, line 25), comprising the steps of:

- a. Periodically circulating a plurality of registered information sources (Fig. 1, #112) to collect information (col. 11, lines 15-20);
- b. Selecting words from the collected information (Figs. 11 and 12);
- c. Clustering the selected set of words (Figs. 10) with a strong inclusion relation (col. 32, line 55 – col. 33, line 15; confidence score), wherein the step of clustering comprises degenerating the selected set of words (col. 33, line 15 – col. 35, line 25; i.e. discrimination weight and classifier words, wherein such techniques are further described in the search term discrimination weight methods section in col. 23, lines 15-55); and
- d. Based on the result of the clustering (col. 32, line 20-col. 33, line 15), displaying information elements in each cluster (Fig. 4A; col. 9, lines 25-40; wherein the user may search by topic or degenerated topic-related keyword) based on an order of time (col. 14, lines 40-50; sort by published date), and at the same time displaying main keywords from

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among a set of words in each cluster as representative keywords of that cluster (col. 4, lines 15-60).

9. Husick does not expressly disclose registering a plurality of favorite sites, wherein each of the plurality of sites comprises a name and a corresponding URL reference, nor periodically circulating the favorite sites at a specified time. Ball teaches a method (abstract) of monitoring changes to a group of web sites (col. 1, line 1 – col. 2, line 55) that the user explicitly requests (col. 5, line 5) to be monitored periodically (col. 6, lines 18-22, in light of col. 5, lines 64-67), and storage of name and URL (Fig. 6). At the time the invention was made, one of ordinary skill in the art would have added Ball to Husick in order to improve the highlighting of documents changed within various sites (col. 2, lines 50-55).

10. For claim 2, Husick teaches displaying supplementary information based on keywords included in a text part of the information elements in each cluster (Fig. 4c, 348a).

11. For claim 3, Husick teaches that wherein when a plurality of words can be degenerated into one thing (col. 24, line 10; “George Bush”), further comprising the step of:

- a. Making the degenerated thing a degenerated expression (Fig. 6b, #142c; col. 23, line 8 – col. 26, line 25); and
- b. Said displaying step of displaying the degenerated expression which has newly appeared in each cluster as supplementary information (Fig. 6B, #142L).

12. For claim 4, Husick teaches selecting the words which have newly appeared with highly weighting (Fig. 6B, #142g).

13. For claims 5, 9, Husick teaches that for a specific information source where a specific word is selected, selecting words for topical elements in view of supports by the word from other

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information sources among said plurality of information sources (col. 31, line 40 – col. 35, line 26).

14. Claims 6, 14 are drawn to the limitations in claim 1, but adds accepting a registration of information sources to acquire information therefrom and words a user has interest in from the user, which Husick also teaches (col. 36, lines 13-31). Therefore, since claim 1 is rejected, claim 6 is also rejected for the reasons above.

15. For claims 7, 15, Husick teaches determining a degree of interest of the user in the individual information sources (col. 35, lines 35-55) and selecting words which have appeared in the information sources with a high degree of interest, with increasing a significance of said words (col. 36, line 30 – col. 37, line 40).

16. For claim 10, Husick teaches calculating an amount of topics which individual sites have provided based on the number of extracted elements (Figs. 10-12), and accumulating an index showing a topic supply capacity of the sites based on the calculated amount of topics (Fig. 4A, #349a)

17. For claim 13, Husick teaches that the output means not only displays on a display device (Fig. 1, #104), but also outputs electronic information on a terminal (Fig. 1, #102) connected via a network (Fig. 1, #108).

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They relate to search and archival methods for grouping documents.

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19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

22 July 2005

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER